

The Judiciary Committee

I write today and ask you oppose H.B.6355. For brevity, I will address just one disturbing section. To request a warrant, the language requires a police officer/state's attorney conduct an independent investigation to determine if probable cause exists. But the bill also permits other **complainants without legal training and without independent corroboration** assume there is probable cause and apply for a warrant directly to a judge. Even when trained professionals present facts and circumstances that may substantiate probable cause, the esoteric concept - more than reasonable suspicion, less than absolute certainty - almost always results in warrants being questioned and appealed. This bill's language places the judge in the precarious position of attempting to rule that probable cause exists essentially based on hearing a complainant's **uncorroborated assumptions and opinion!**

An assumption is not perjury and is not probable cause. Bill proponents state perjury laws would dissuade false accusations, but those cases would never exist, since a complainant's later proven mistaken or false assumption would not constitute perjury (prove intent). However, assumptions also do not establish probable cause and per our constitution, **no warrant shall issue.**

In many situations we encounter in life, without the training, knowledge, and expertise necessary for the task, the wisest course of action is leave it to the professionals. The untrained public applying for warrants is a perfect example of where that is absolutely true. I urge you to oppose the bill before you and leave warrant applications to law enforcement.

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